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2 THE HONORABLE JOHN C. COUGHENOUR  
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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

9 NICOMEDES TUBAR, III,  
10 Plaintiff,

11 v.  
12 JASON CLIFT; and THE CITY OF KENT,  
13 WASHINGTON, a municipal corporation,  
14 Defendants.

No. C05-1154JCC

STIPULATED MOTION FOR ENTRY  
OF PROTECTIVE ORDER  
REGARDING CERTAIN  
DOCUMENTS

**I. STIPULATION OF THE PARTIES**

15 COMES NOW, Plaintiff, by and through his attorneys Timothy K. Ford and  
16 Cristóbal Joshua Alex of MacDonald Hoague & Bayless, and Defendants City of Kent and  
17 Jason Clift, by and through their attorneys Steven L. Thorsrud and Mary Ann McConaughy  
18 of Keating, Bucklin & McCormack, Inc., and hereby stipulate as follows:

19 1. Protected documents. For the purposes of this Stipulation, “protected  
20 documents” includes documents and information produced or obtained in this litigation by  
21 the City of Kent, by Defendant Jason Clift, and by Plaintiff, including:

- 22 a) Documents related to Jason Clift’s employment as a law enforcement  
23 officer with the City of Kent and elsewhere including pre-  
employment application and screening, background checks,  
24 psychological records, complaints against Clift, disciplinary records,  
internal investigations, personnel records, medical records, fitness for  
duty evaluations, and performance evaluations;

STIPULATED MOTION FOR ENTRY OF PROTECTIVE  
ORDER REGARDING CERTAIN DOCUMENTS - 1

USDC Cause No. C05-1154JCC

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KEATING, BUCKLIN & MCCORMACK, INC., P.S.

ATTORNEYS AT LAW  
800 FIFTH AVENUE, SUITE 4141  
SEATTLE, WASHINGTON 98104-3175  
PHONE: (206) 623-8861  
FAX: (206) 223-9423

- 1                   b)     Medical records regarding Nicomedes Tubar;
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- 3                   c)     Financial records concerning Jason Clift; and
- 4                   d)     Financial records concerning Nicomedes Tubar.

5                 If the parties disagree whether a document is to be a “protected document” that  
6 determination shall be made by the Court or another person authorized by the Court to  
make the determination whether the document will be a “protected document.”

7                 2.     Use of “Protected documents.”

- 8                   a)     “Protected documents,” will be used exclusively for purposes of this  
9 civil rights litigation and will not be further disseminated except  
upon further order of this Court.
- 10                  b)    “Protected documents” shall be disclosed only to the parties and  
11 counsel in this lawsuit who have executed this Stipulation, their  
testimonial or consulting experts, and other witnesses where  
disclosure to a witness is necessary for the purposes of the lawsuit.
- 12                  c)    “Protected documents” and documents containing information gained  
13 or derived from “Protected documents” shall be filed by the parties  
under seal in accordance with the Court’s electronic filing procedures  
for sealed documents.(For example, an expert report containing  
information from a “Protected document” shall be filed in this  
manner.)
- 14                  d)    No party, attorney, expert or other recipient of information pursuant  
15 to this Order shall disclose any information gained or derived from  
the “protected documents” to any other person or entity except by  
stipulation of the parties or order of this Court.

16                 3.     This Order is entered without prejudice to the rights of parties to present a  
17 motion to the Court to lift or modify the restrictions of this protective order or for a separate  
18 protective order as to any document or information, including restrictions different from  
those specified herein.

20                 4.     Nothing in this Order shall be deemed to be a waiver of any objection to the  
admissibility of any protected document or information contained in any such document.

5. The terms of this Stipulation shall remain in effect until entry of a judgment, as to any "protected" material not made public in these proceedings, subject to the modification by Court order.

6. The City of Kent and/or current or former employees of the City of Kent, counsel for the parties or any other person to whom disclosure of records is made pursuant to this Order, shall not be liable for any criminal or civil penalties for any disclosure made pursuant to or as a result of the entry of this Order.

DATED this 15<sup>th</sup> day of March, 2006.

KEATING, BUCKLIN & McCORMACK, INC., P.S.

s/ Steven L. Thorsrud

Steven L. Thorsrud, WSBA # 12841  
Attorney for Defendants  
Keating Bucklin & McCormack, Inc., P.S.  
800 Fifth Avenue, #4141  
(206) 623-8861  
(206) 223-9423 Facsimile  
[sthorrud@kbmlawyers.com](mailto:sthorrud@kbmlawyers.com)

# MacDONALD HOAGUE & BAYLESS

s/ Cristobal Joshua Alex

Cristóbal Joshua Alex, WSBA #31993  
Attorneys for Plaintiff  
MacDonald Hoague & Bayless  
705 Second Avenue, Suite 1500  
Seattle, WA 98104-1745  
(206) 622-1604  
(206) 343-3961 Facsimile  
[timf@mhb.com](mailto:timf@mhb.com)

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2                   **II. ORDER**  
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4                   IT IS SO ORDERED.  
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6                   DONE IN OPEN COURT this 20th of March, 2006.  
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9                   /s/ Judge James L. Robart  
10                   UNITED STATES DISTRICT JUDGE  
11

12                   Presented by:  
13

14                   KEATING, BUCKLIN & McCORMACK, INC., P.S.  
15

16                   s/ Steven L. Thorsrud  
17                   Steven L. Thorsrud, WSBA # 12841  
18                   Attorneys for Defendants  
19                   Keating Bucklin & McCormack, Inc., P.S.  
20                   800 Fifth Avenue, #4141  
21                   (206) 623-8861  
22                   (206) 223-9423 Facsimile  
23                     
24

13                   MacDONALD HOAGUE & BAYLESS  
14

15                   s/ Cristóbal Joshua Alex  
16                   Cristóbal Joshua Alex, WSBA #31993  
17                   Attorneys for Plaintiff  
18                   MacDonald Hoague & Bayless  
19                   705 Second Avenue, Suite 1500  
20                   Seattle, WA 98104-1745  
21                   (206) 622-1604  
22                   (206) 343-3961 Facsimile  
23                     
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